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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.1987 OF 2006
IN
CRIMINAL APPEAL NO.____ OF 2006

The State of Maharashtra)..Applicant

Versus

Vishwas Damu Kadam)..Respondent

Smt.V.R.Bhosale, Additional Public Prosecutor, for the Applicant.

CORAM : V.G.PALSHIKAR, Acg.C.J. &
SMT. NISHITA MHATRE, J.

DATED : 31ST AUGUST 2006

P.C.:

. This is an application for leave to appeal against the order of acquittal recorded by the learned trial Judge.

2. Accused Nos.1 and 2 are brothers who were charged with committing murder of the wife of Accused No.1. The role assigned to Accused No.2 was that of instigator. The learned Judge, on appreciation of evidence on record, came to the conclusion that Accused No.1 is guilty of murder and, therefore, sentenced him to suffer imprisonment for life. While acquitting Accused No.2, the learned Judge observed that the evidence on record was inadequate to hold Accused No.2

responsible for any involvement. In our opinion, such finding, on appreciation of evidence, cannot be called perverse. Hence, no interference is called for. Application rejected.

(V.G.PALSHIKAR, Acg.C.J.)

(SMT.NISHITA MHATRE, J.)